Informal Interpretation Report
Number 9582

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Section Definitions - Dwelling Unit

Question:

Under the Florida Building Code definition of “dwelling unit,” do individual bedroom areas within a single-family dwelling constitute separate dwelling units solely because they contain a private bathroom, sink, refrigerator, countertop receptacles, and washer/dryer connections, when the building contains one common kitchen and the individual bedroom areas contain no permanent cooking appliances or other permanent provisions specifically provided for cooking?

Answer

This is an age old question that has been addressed in different ways over the years. In many cases, the local zoning regulations may be more restrictive than the requirements within the building or residential volumes. The definition within the residential volume for a dwelling unit could be interpreted as the receptacles on the counter space being used for a hot plate, induction cooker, microwave or other cooking equipment and the receptacle is permanently installed, just as the range receptacle is installed for the installation of a range, which may not be installed at the time of the inspection. The final decision rests with the local building, planning and zoning official(s). The local Building Official is empowered to inquire about the design and the proposed use in order to receive appropriate feedback from the designer/owner to base the Building Officials decision on regarding the appropriate use classification and certificate of occupancy.

Commentary:

None.

Notice:
The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.